

REMARKS

Claims 1-30 have been examined. Claims 1-3, 8, 11-13, 18, 21-23, and 28 have been rejected under 35 U.S.C. § 102(e), and claims 4-7, 9, 10, 14-17, 19, 20, 24-27, 29, and 30 have been rejected under 35 U.S.C. § 103(a).

I. Objection to the specification

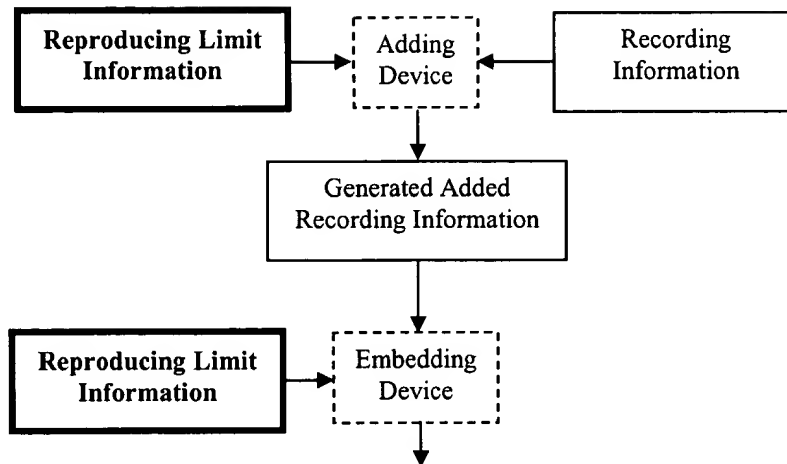
The Examiner has objected to the specification because the reference numeral of the “output controller” on page 44 is incorrect. Applicants submit that the amendments to the specification overcome the objection

II. Rejection under 35 U.S.C. § 102(e) over US Patent Pub. No. 2004/0028385 to Kori et al. (“Kori”)

Claims 1-3, 8, 11-13, 18, 21-23, and 28 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Kori. Applicants submit that the claims are patentable over the reference.

A. Claim 1

Claim 1 comprises an adding device and an embedding device. The adding device adds reproducing limit information to recording information to generate added recording information. Also, the embedding device embeds the reproducing limit information on the recording information within the generated added recording information. Thus, the reproducing limit information is (1) added to the recording information to produce generated added recording information and (2) is embedded on the recording information within the generated added recording information. An non-limiting example of this process flow is shown below.



The Examiner maintains Fig. 1 of Kori suggest the claimed features above. Specifically, he maintains that the addition section 8 corresponds to the claimed adding device, that the WM superposition section 2 corresponds to the claimed embedding device, and that the copy generation management (“CGM”) information corresponds to the claimed reproducing limit information. However, Applicants respectfully disagree.

For example, assuming *arguendo* that, in Kori, the addition section 8 adds the CGM information (*i.e.*, the alleged reproducing limit information) to recording information to produce generated added recording information, the generated added recording information is output to the recording processing section 9. Therefore, Kori clearly does not disclose embedding the reproducing limit information in the recording information within the generated added recording information.

In addition, assuming *auguendo* that the Examiner contends that the superposition section 2 somehow corresponds to the claimed adding device and that the addition section 8 somehow corresponds to the claimed embedding device, Applicants submit that claim 1 still does not read on Kori. For example, claim 1 states that embedding device embeds the reproducing limit

information on the recording information within the generated added recording information. On the other hand, in Kori, the adding section 8 adds the CGM information (1) to a table of contents ("TOC") of the disk 100, (1) to some directory corresponding to the music data, or (3) to an area that is different than the area in which the music data is recorded so that a reproducing device can read out the CGM information. (Paragraph 0066). Therefore, the adding section 8 does not embed the CGM information (*i.e.*, the alleged reproducing limit information) on the recording information.

In light of the discussion above, Applicants submit that claim 1 is patentable.

B. Claims 2 and 3

Since claims 2 and 3 depend upon claim 1, Applicants submit that they are patentable at least by virtue of their dependency.

C. Claims 8 and 11

Since claims 8 and 11 contain features that are similar to the features discussed above in conjunction with claim 1, Applicants submit that the claims are patentable for similar reasons.

D. Claims 12 and 13

Since claims 12 and 13 depend upon claim 11, Applicants submit that they are patentable at least by virtue of their dependency.

E. Claims 18 and 21

Since claims 18 and 21 contain features that are similar to the features discussed above in conjunction with claim 1, Applicants submit that the claims are patentable for similar reasons.

F. Claims 22 and 23

Since claims 22 and 23 depend upon claim 21, Applicants submit that they are patentable at least by virtue of their dependency.

G. Claim 28

Since claim 28 contains features that are similar to the features discussed above in conjunction with claim 1, Applicants submit that the claim is patentable for similar reasons.

II. Rejection under 35 U.S.C. § 103(a) over Kori and U.S.P. 6,343,281 to Kato ("Kato")

Claims 4-7, 9, 10, 14-17, 19, 20, 24-27, 29, and 30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kori and Kato. Since claims 4-7, 9, 10, 14-17, 19, 20, 24-27, 29, and 30 depend upon independent claim 1, 8, 11, 18, 21, or 28 and since Kato does not cure the deficient teachings of Kori with respect to the independent claims, Applicants submit that claims 4-7, 9, 10, 14-17, 19, 20, 24-27, 29, and 30 are patentable at least by virtue of their dependency.

IV. Conclusion

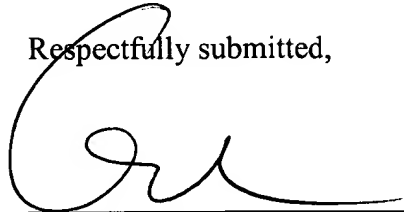
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under 37 C.F.R. § 1.111
U.S. Appln. No. 09/982,787

Atty. Docket No. Q66831

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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